GOVERNMENT OF INDIA
COMMERCE AND INDUSTRY
LOK SABHA

UNSTARRED QUESTION NO:5847
ANSWERED ON:03.05.2002
ENFORCEMENT OF TRIPS
GUNIPATI RAMAIAH

Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) the names of the agency of Government which has been entrusted the responsibility of enforcement of the TRIPS;

(b) whether the Government have any plan for stricter enforcement of TRIPS; and

(c) if so, the details thereof?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE & INDUSTRY (SHRI RAJIV PRATAP RUDY)

(a) to (c) : TRIPS Agreement covers seven areas of Intellectual Property Rights(IPRs) including plant variety, protected in India by separate legislation. These Acts provide for civil and criminal remedies against infringement of these IPRs.For civil remedies, a right holder may file a suit in a court not inferior to a District Court having jurisdiction to try that suit in a manner specified in the concerned Act. Where there are provisions for criminal remedies for infringement of IPRs like trademark, copyright, etc. a police officer-in-charge of a police station can investigate a case on his own when the commission of a cognizable offence is brought to his knowledge. In case of non-cognizable offences, the police can investigate only on order of a Magistrate having power to try such case. Enforcement of the provisions dealing with criminal penalties is the responsibility of the State Governments through police force. Ministry of Human Resource Development has taken several measures to strengthen enforcement of copyrights. These include setting up of Copyright Enforcement Advisory Council, organisation of seminars/ workshops to create greater awareness about copyright law among the enforcement personnel and general public, encouraging setting up of collective administrative societies, creation of separate cells in state police headquarters, etc.